

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

JESUS ALFREDO CARRASCO,

Plaintiff,

v.

**UNITED STATES POSTAL SERVICE,
UNITED STATES OF AMERICA, and
ISMAIL ABDUL AL-HILAL,**

Defendants.

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Civil No. **3:21-CV-3196-L**

ORDER


The Findings, Conclusions, and Recommendation of the United States Magistrate Judge (“Report”) (Doc. 24) was entered on March 22, 2023, recommending that the court grant Defendant United States Postal Service’s (“USPS”) Motion to Dismiss (Doc. 12) for lack of subject matter jurisdiction, and dismiss USPS from this action. Plaintiff Jesus Alfredo Carrasco (“Plaintiff”) filed his Complaint (“Complaint”) (Doc. 1), alleging a violation of the Federal Tort Claims Act (“FTCA”) when USPS employee Ismail Abdul Al-Hilal (“Mr. Al-Hilal”), while driving a USPS mail truck, negligently collided with Plaintiff’s car. Plaintiff’s Complaint names three Defendants: the United States of America, the United States Postal Service, and Mr. Al-Hilal.

Defendant USPS filed its Motion to Dismiss, arguing that the court does not have subject matter jurisdiction because the FTCA only permits claims against the United States as the sole defendant. The magistrate judge agreed, and recommended that the court dismiss both USPS and Mr. Al-Hilal, *sua sponte*, from this action for lack of subject matter jurisdiction as improperly named Defendants under the FTCA. Plaintiff did not file objections to the Report, and the time to do so has passed.

Having considered the Motion, Complaint, Report, file, and record in this case, the court determines that the magistrate judge's finding and conclusions in the Report are correct, and **accepts** them as those of the court. Accordingly, the court **grants** USPS' Motion to Dismiss (Doc. 12), and **dismisses without prejudice** Plaintiff's claims against USPS as alleged under the FTCA. The court further **dismisses without prejudice** Plaintiff's claims against Ismail Abdul Al-Hilal for lack of subject matter jurisdiction, pursuant to the court's authority to *sua sponte* examine issues of subject matter jurisdiction. *See System Pipe & Supply, Inc. v. M/V Viktor Kurnatovsky*, 242 F.3d 322, 324 (5th Cir. 2001).

Plaintiff's claims against Defendant United States of America remain before the court, governed by the court's Scheduling Order (Doc. 20).

It is so ordered this 11th day of April, 2023.


Sam A. Lindsay
United States District Judge